

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-32 were previously pending in this application. Claims 10, 12-17 and 30-32 have been withdrawn. By this amendment, Applicant is canceling claims 2, 4, 12-15 and 19-26 without prejudice or disclaimer. Claims 1, 3, 5-7 and 27 have been amended. Support for this amendment can be found at least in original claim 4 and on page 24, lines 6-8. As a result, claims 1, 3, 5-9, 11, 27-29 are pending for examination with claims 1 and 27 being independent claims. No new matter has been added.

#### **Rejections Under 35 U.S.C. §102**

The Examiner rejected claims 1, 2, 19 and 27-29 under 35 U.S.C. §102(b) as being anticipated by the Jackson Laboratory ([www.jax.org](http://www.jax.org)).

Without conceding the correctness of the rejection, and solely in the interest of expediting prosecution, Applicant has amended claims 1 and 27 to recite “wherein the plurality of mouse colony management services is selected from rapid expansion of a mouse colony and rapid production of synchronized progeny and wherein the length of time needed to produce the desired number of progeny is reduced by more than half.” Support for this amendment can be found at least in original claim 4 and on page 24, lines 6-8. The Examiner did not reject claim 4 under 35 U.S.C. §102(b) as being anticipated by the Jackson Laboratory ([www.jax.org](http://www.jax.org)). Accordingly, amended claims 1, 2, 19 and 27-29 are not anticipated by the cited prior art.

The Examiner also asserts that claim 29 comprising a live animal module is directed to an unselected species of the Markush group in claim 27. According to the Examiner, the live animal module was not selected as one of the three modules of claim 27. Applicant respectfully disagrees. Applicant was not required to make a Markush group species selection for claim 27. The modules discussed in claim 27 were not identified as patentably distinct species in the Restriction Requirement dated March 10, 2009, and Applicant was not required to elect three modules for claim 27.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 3-9, 11 and 20-26 under 35 U.S.C. §103(a) as being unpatentable over The Jackson Laboratory.

The Examiner asserts that “[t]he claims are directed to ordering and providing services”, and that the “method used to produce the embryo and breed the mouse is considered to be non-functional descriptive material due to the fact that the actual steps of receiving an order and providing services are performed the same regardless of the specific method of in-vitro and what stage the embryo is harvested” (page 4 of the Office Action). According to the Examiner, “this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability” (page 4 of the Office Action). Applicant respectfully disagrees. The amended claims are directed to methods for providing a plurality of mouse management services selected from rapid expansion of a mouse colony and rapid production of synchronized progeny. These plurality of services are provided by utilizing a shared core process. In one embodiment, the core process comprises producing embryos by in vitro fertilization using assisted reproductive technology. The cited art does not provide any teaching of a method of providing a plurality of mouse colony management services selected from rapid expansion of a mouse colony and rapid production of synchronized progeny. Moreover, based on the teachings of the cited prior art, it would not be obvious to one of ordinary skill in the art how to carry out a method of providing services selected from rapid expansion of a mouse colony and rapid production of synchronized progeny by utilizing a shared core process. Page 3 of the cited art recites services such as cryopreservation, rederivation, special surgery service, mouse tissues and organs and mouse genomic DNA. There is no discussion on how these services may be used to provide rapid expansion of a mouse colony and rapid production of synchronized progeny.

The present invention provides methods and systems for efficient and cost-effective provision of mouse colony management services such as rapid expansion of a mouse colony and rapid production of synchronized progeny. Using conventional mating, these projects are slow, expensive and space-demanding. By contrast, production by IVF as presently claimed allows the production time and production costs to be reduced by more than half.

The Examiner alleges that the breeding services described on page 13 of the cited prior art are a form of IVF. Applicant respectfully disagrees. According to page 13 of the cited art, Jackson Laboratory operates a “frozen mouse embryo repository which preserves important stocks and strains of mice for use in future research. Upon request, strains can be thawed and carried to full term, with no harmful effects, by foster mothers.” There is no indication on page 13 that the frozen embryos are produced by IVF. In vitro fertilization (IVF) is a process by which egg cells are fertilized by sperm outside the womb, *in vitro*. There is no teaching or suggestion on page 13 of the cited art that the embryos are prepared by IVF, and not conventional mating.

Accordingly, withdrawal of this rejection is respectfully requested.

**REMARKS**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825 under Docket No. J0227.70001US01 from which the undersigned is authorized to draw.

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Respectfully submitted,

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